

Clerk, U.S. District Court
Southern District of Texas
FILED

UNITED STATES DISTRICT COURT

OCT 25 2014

for the

Southern District of Texas

David J. Bradley, Clerk of Court

United States of America)

v.)

Case No

C-14-1154M

HAMILTON, Timothy)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 10/24/2014 in the county of Brooks in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

Title 21 USC 841 (a)(1)

Knowingly, intentionally, and unlawfully
possess with intent to distribute a
controlled substance in Schedule I of
the Controlled Substance Act of 1970, to
wit 32.78 kilograms (gross weight) of
marijuana.

This criminal complaint is based on these facts:

See Attachment A

☐ Continued on the attached sheet.

Complainant's signature

David Bishop, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date:

Oct 25, 2014

City and state: Corpus Christi, Texas

Judge's signature

B. Janice Ellington, US Magistrate Judge

Printed name and title

ATTACHMENT "A"

HAMILTON, Timothy

On October 24, 2014, at approximately 12:59 pm, a white Ford F-150 pickup truck, bearing Texas license plates AY8-9040, arrived at the Falfurrias, Texas, Border Patrol Checkpoint. Border Patrol Agent (BPA) Jorge Munoz and BPA Brandon Copp, along with his assigned canine Tazz were working the primary inspection point. BPA Munoz questioned the driver and sole occupant, Timothy HAMILTON, regarding his citizenship and purpose of travel. While BPA Munoz was questioning HAMILTON, BPA Copp and Tazz were performing a non-intrusive search on the exterior of the truck. BPA Munoz reported that HAMILTON had a shaky voice, and was very fidgety in the driver's seat. BPA Munoz noticed that HAMILTON was visibly shaking although the outside temperature was above 80 degrees. BPA Munoz asked HAMILTON where he was coming from and HAMILTON stated he was returning to Conroe, Texas from Edinburg, Texas where he had delivered some furniture. BPA Munoz asked HAMILTON where he delivered the furniture and HAMILTON could not provide the address. At that time BPA Copp advised that Tazz had alerted to the presence of a narcotic odor emanating from the rear portion of the truck. BPA Munoz referred HAMILTON to the secondary inspection area.

While in the secondary inspection area, BPA Munoz asked HAMILTON who the truck belonged to. HAMILTON stated the truck belonged to the owner of the company that he worked for; however; HAMILTON could not provide the name of the owner or the name of the company. BPA Copp conducted a systematic search of the truck. A density meter was used on the spare tire under the truck and BPAs noticed an abnormal reading. The spare tire was removed from the truck and BPAs reported the tire felt much heavier than normal. BPAs probed the tire and discovered it contained 5 bundles of compressed contraband. The bundles were probed and found to contain marijuana. At that time, HAMILTON was taken into custody without incident. The 5 bundles of compressed marijuana had a total weight of approximately 32.82 kilograms.

HAMILTON was advised of his Miranda Rights. HAMILTON requested a lawyer and no additional questions were asked.

On the same date, SA David Bishop and Task Force Officer Cesar Brosig were contacted in reference to the arrest and

seizure. SA Bishop and TFO Brosig went to the Falfurrias, Texas, Border Patrol Checkpoint. SA Bishop and TFO Brosig took custody of HAMILTON and all evidence associated with the investigation. SA Bishop noticed that the key to the truck that HAMILTON was driving only had a single ignition key on the key ring, and no other keys. This is indicative of mules driving a load vehicle. Prior to SA Bishop going to the checkpoint he checked the license plate reader at the Falfurrias, Texas, Border Patrol Checkpoint. It indicated that the truck that HAMILTON was driving went south past the checkpoint on October 23, 2014, at approximately 5:15 pm.

SA Bishop made contact with HAMILTON. SA Bishop advised HAMILTON that since he requested a lawyer to Border Patrol Agents, SA Bishop would not question HAMILTON nor read him his Miranda Warnings. HAMILTON stated that he "wanted to get to the bottom of this". HAMILTON then stated he drove all night, 7 hours, to deliver cabinets to Edinburg, was there for 45 minutes, and left. HAMILTON stated he was framed or set up. HAMILTON added that he left Conroe at midnight and did not get any sleep. At no time did SA Bishop or TFO Brosig ask HAMILTON any questions. SA Bishop filled out a personal history form on HAMILTON and presented HAMILTON with a consent to search form for his cellular telephone. HAMILTON filled out the consent form and provided SA Bishop with the code to unlock his phone. HAMILTON stated he had nothing to hide and was eager to help to clear him of any wrong doing. HAMILTON stated that the owner of the truck, "Curtis", was in his phone if SA Bishop wanted to call him. At that time HAMILTON was returned to his holding cell.

SA Bishop unlocked the phone and could not find any listing in the contacts for "Curtis". SA Bishop noticed that HAMILTON had missed 22 telephone calls while he had been in a holding cell. SA Bishop also noticed a number of text messages. In one text message, at approximately 10:23 am on October 24, 2014, the writer told HAMILTON that the truck would be delivered to the same spot in 20 minutes and the key would be in the same spot. The same cellular telephone number text HAMILTON a short time later telling HAMILTON to take the same way back that he went down. Later, HAMILTON received a number of text messages from the same number asking if everything was alright, and one text message stated "it doesn't look good for". SA Bishop also noticed that there were a series of text messages

requesting if HAMILTON could provide a "dub", "dime", or "twenty". Those are terms commonly referred to by users for distributable amounts of drugs.

SA Bishop loaded the truck and retrieved HAMILTON from the holding cell. On the way to Coastal Bend Detention Center HAMILTON asked out loud, without provocation, "what have I got myself into"? Later, during the ride, HAMILTON stated, "I did the crime, I'll do the time". HAMILTON then stated he better not talk anymore or he'll incriminate himself.

HAMILTON has one prior conviction for simple possession of cocaine, and one drug charge pending in Montgomery County, Texas.

AUSA Robert Thorpe was contacted and approved the federal prosecution of HAMILTON. HAMILTON was subsequently transported to the Coastal Bend Detention Center in Robstown, Texas for overnight detention pending further judicial proceedings.

The amount of marijuana seized infers the intent to distribute.